

GEORGE C. JEPSEN
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

**TESTIMONY OF
ATTORNEY GENERAL GEORGE JEPSEN
BEFORE THE GOVERNMENT ADMINISTRATION
AND ELECTIONS COMMITTEE
MARCH 16, 2015**

Good afternoon Senator Cassano, Representative Jutila and distinguished members of the Committee on Government Administration and Elections. I appreciate the opportunity to testify about HB 7000, *An Act Concerning Government Administration*.

I have serious concerns about Section 1(d) of this proposal. Under section 3-125(d) of the General Statutes, the Attorney General presently is authorized to provide legal opinions only to: (1) either house of the General Assembly, (2) the legislative leaders, and (3) the heads of executive departments, state boards and commissions. I have no authority to provide legal opinions to rank and file legislators, legislative committees, municipalities, or members of the general public.

Section 1(d) of House Bill 7000 would amend section 3-125(d) to provide that the "Attorney General shall give an opinion when requested by a business in the state that has a bona fide dispute with a state agency concerning the application of a regulation of such agency." The bill assigns to the terms "agency" and "regulation" the same meanings those terms have under Connecticut's Uniform Administrative Procedures Act ("UAPA").

This proposed change is problematic from a number of different perspectives. First, the Attorney General provides legal representation to the very state agencies with which a business may have a "bona fide dispute" under the proposed bill. *See* Section 3-125(b). That representation includes, among other things, the provision of confidential and privileged legal advice, representation in communications with third parties represented by legal counsel, representation in the administrative proceedings agencies conduct under the UAPA, and representation before courts and other administrative agencies. Requiring the Attorney General to provide public opinions to businesses, with interests and positions adverse to the state agencies I represent, would severely undermine my ability to provide the legal representation I am required by law to provide.

Second, the Attorney General is not well suited to resolve the disputes covered by the bill. The entire administrative process is premised on the assumption that administrative agencies have expertise in the fields they regulate. They are entrusted with applying that expertise in determining the proper application of their regulations. Moreover, such determinations are often fact-dependent, requiring the development of an administrative record. The appropriate course is to permit the agencies to develop an administrative record and

apply their own regulations. Businesses or others with disputes may seek recourse in the normal UAPA fashion.

Finally, the proposal would have a huge fiscal impact. Businesses dissatisfied with agency actions would have little to lose by requesting my opinion on such matters. The number of such requests, therefore, likely would overwhelm my staff, which already is stretched very thin in these challenging fiscal times.

For all of these reasons, I strongly urge the Committee to oppose Section 1(d) of House Bill 7000. Thank you once again for the opportunity to testify about this important matter. Please feel free to contact me with any questions.